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I. The land and the people

A. The land

1. Lesotho is a country located in the Southern part of Africa, at an estimated 30,000 to 30,555 km^2 in area. It is situated between 28 degrees and 31 degrees of the equator in the south, and between 27 degrees and 30 degrees in the east. This makes Lesotho a land locked country within the Republic of South Africa.

2. Although Lesotho is completely land-locked within the boundaries of the Republic of South Africa, Lesotho's topography is very much different to that of her neighbour. Lesotho is a mountainous country, with the highest mountain peak being Thabana-Ntlenyana. This mountain peak is estimated at 3,482 metres above sea level. Lesotho is the only country in the world with no land falling below 1,400 metres below sea level. Between the eastern plateau and the so-called lowlands in the west are the Drakensburg and Maloti Range Mountains which rise to nearly about 3,500 metres. These mountains are drained by rivers which flow in deep gorges in a south-westerly direction. One quarter of the land of the country is lowlands, with altitudes between 1,500 and 2,000 metres. The remaining 75% is highland area. This makes Lesotho to have the highest-lowest point of any country in the world. The country is showing serious erosion caused by chronic overgrazing and over harvesting of natural plantations, which is estimated at 150% to 300%. The highlands have severe winter seasons, with heavy snowfalls, that often cut off the population in those areas from basic health services and food supplies. Arable land that is available is limited to 9%. The available arable land stands at 700 persons per square metre.

B. The people

1. The Population

3. The 2006 National Housing and Population Census gave a population estimate of 1,876,633, being a similar estimate of 1.88 million according Millennium Development Goals Status report of 2008. There has been a substantial population decline from the annual growth rate of 1.5% to an annual growth rate of 0.08% during the period 1986 to 1996. Annual population growth rate was estimated at the rate of 0.116% between 1996 and 2006. The drop in population growth rate could be attributed by the scourge of the HIV and AIDS pandemic, which has increased rapidly. The HIV and AIDS infection rate for Lesotho is currently estimated to be between 23.3% and 23.6% among the adult population of Lesotho. The migration of most Basotho to the Republic of South Africa and abroad for various reasons including job opportunities and other socio-economic reasons has significantly affected the population.

2. Demographic Data

Table 1

Estimated Total Population for the 2006 census and 2011 Survey

Years	2006	2011
Females	963835	974347
Males	912798	919847
Total	**1876633**	**1894194**

[1] Population and Housing Census 2006

4. The above table depicts that 2011 Lesotho Demography Survey recorded a total of 1,894,194 inhabitants, made up of 934,357males and 959, 837 females. There was an increment of 388,362 people between 1976 and 1986, from 1986 to 1996 the population increased by 257,098 people and by 14,358 people for the period 1996 to 2006; while between 2006 and 2011 the increase was 470, 390 for males and a decrease was observed for females estimated at 294,78. Plans to undertake the 2016 population census are afoot and preliminary activities such as engagement of staff and their training have begun.

3. Rural and Urban Dispersion

5. About 76.3% of the population resides in the rural areas of the country while the rest are located in urban areas. However, in the past 15 years there has been an increase in rural – urban migration which has resulted in a significant rise in the urban population from 16.9% in 1996 to 22.6% in 2006 and 76.3 in 2011. This is as a result of search for jobs and better living standards or conditions.

4. Religion

6. Section 13 (1) of the Constitution expresses the freedom of conscience. It provides that: "Every person shall be entitled to, and except with his own consent, shall not be hindered in his enjoyment of, freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance". In accordance with Section 13(2), every religious community shall be entitled to manage any of its educational institutions.

7. The Basotho are predominantly Christians, as 99% show allegiance to the Christian establishment. Out of an estimated percentage of 99, about 45% are estimated to be Catholic,with the remaining 55% being shared by the Lesotho Evangelical Church (LEC), the Anglican Church, Methodist Church, African Methodist Episcopal, Seventh Day Adventist, Independent Pentecostal Church, charismatic and born again Churches, such as the Assemblies of God, Jehovah's Witnesses, Back to God, Ebenezer and many others. Other kinds of religion include the Baha'i faith, Islamic and Muslim faith. However, most Basotho still have strong African traditional beliefs in their customs as they engage in a mixture of Christianity with traditional beliefs.

C. Resources and socio-economic indicators

1. The Resources

(a) Diamond

8. Some mineral deposits exist in Lesotho. Mineral deposits that exist include diamonds, uranium, base metals, high quality sand stone, and clay. The Government has made policy initiatives aimed at greater private sector participation in the mining industry. A great interest has been generated in the mining sector, with new companies opening up new mining ventures. The Lesotho Geological Survey has identified 33 kimberlitic pipes and 140 dykes, of which 24 are diamondiferous.

9. Diamond mining in Lesotho has grown in recent years and may contribute 8.5% to GDP by 2015, according to current forecasts[1]. When Letseng Diamond mine recommenced

[1] Source: Commissioner of Mines.

its operations in 2000, it had 76% shareholding while 24% is owned by Government. Being at an altitude (elevation) level of more than 3,000 metres above sea level, Letseng diamonds is one of the world's highest altitude diamond mine, situated at 3, 100 metres above sea level.

10. Since 2005, 70% of the Letseng shareholding is owned by Gem Diamonds Ltd (Pty), while 30% is owned by the Government of Lesotho[3]. The mine has been in commercial operation since 2004, and it has a total capacity of 5 Million tons per year. This mine has a recovery of approximately 100 000 carats per year, which makes it the seventh largest timber- lite mine in the world. The initial estimated production was 50,000 carats per year.

11. Presently, registered mining companies and their shareholding stands as follows: Letseng - la- Terai holds 70% of the shareholding, Government holds 30%. Liqhobong Mining Development Company holds 75% of the shareholding, while the Government holds 25%. NamakwaBatla Diamonds (Kao) holds 93% of the shareholding, while the Government holds 7%. Mothae Diamonds holds 75% of the shareholding, while the Government holds 25%. The diamond production index rose from around 60 points in 2005 to 549.4 points in 2008 reflecting continued buoyancy in the diamond industry.

(b) Water

12. The Water Resources Act 1978 specifies that domestic water use takes priority over other uses. Lesotho developed the National Environmental Policy in 1998 which provides for water policy development. The policy acknowledges the periodic prolonged drought and scarcity of water for agriculture and pollution of land and water courses. It advocates providing access to portable water for all people. The policy also introduces the notion of the polluter-pays principle. There is also the Water Resource Management Policy 1999 aimed to develop integrated and coordinated, effective and efficient approaches to conservation and use of water and availability in sufficient quantity on long term sustainable basis.

13. Further, in 2007, the Ministry of Natural Resources developed the Lesotho Water and Sanitation Policy which provides for access to clean water. The national goal was to provide 30 litres of clean water per person per day, and to ensure that the travelling distance required to collect clean water did not exceed 150 metres. Furthermore, the Water Act 2008 was enacted to provide for the management, protection, conservation, development and sustainable utilization of water resources.

14. The increase in the provision of clean, safe drinking water and proper sanitation has been identified as a strategic action whose main role players are the Ministry of Natural Resources through Department of Rural Water Supply (DRWS), the Water and Sewerage Corporation (WASCO) and The Environmental Health Division.

15. DRWS has developed a strategy for achieving defined goals in water coverage and maintenance. The two key elements of the strategy are focused on increasing the speed at which communities are supplied with safe, sufficient water supply, and establishing a workable mechanism to ensure long term sustainability of water systems once they are completed. The Department is responsible for the design, development and upkeep of rural water infrastructure. The rural water provision strategy is based on a demand responsive approach to planning in cooperation with the communities; thus the decision regarding the type of water system selected, the service level delivered, and long-term management of the water systems actively involves the community at all stages.

[1] MDG Status Report 2008

[2] Source: Commissioner of Mines

16. The DRWS remains responsible for major repairs or expansions of rural water systems with the Government paying not more than 90% of costs with the remainder paid by the community. The After Care Strategy developed by DRWS is intended to address and improve sustainability of water systems and increase community responsibility for operation and maintenance activities. Key elements of the After Care Strategy include the allocation of responsibility for monitoring and supervising of water systems to Community Councils (CCs) with Village Water and Health Committees (VWHC) legally established under CCs being responsible for the operation and maintenance Plan, as well as hygiene education.

17. WASCO, on the other hand, is responsible for providing potable water supplies and sewerage treatment and liquid waste disposal facilities to the urban areas in both the lowlands and the highlands. WASCO does not provide water for agricultural and irrigation purposes. It manages water distribution system, unaccounted-for water and laboratory sampling and analysis of water. It is also legally responsible for owning, operating, and maintaining urban water and sanitation systems in urban areas. There are three service provision categories in the urban areas namely: Water Kiosks, Shared water points, and pre-paid system. There are two tariff structures, one for domestic consumers and the other for non domestic consumers which are set and regulated by Lesotho Electricity and Water Authority in order to kill monopoly and ensure that water is accessible for all. The non domestic tariffs are higher than domestic tariffs. WASCO monitors the water quality, and ensures that water is treated regularly in the urban areas.

18. The Environmental Health Division has developed the strategies for environmental education. The goal is to enable the health sector to improve the knowledge and awareness of communities about the relationship between the environment, health and water. The health education programme includes training households on hygienic use of water and sanitation facilities; personal hygiene especially regarding hand washing after toilet use, and before food preparations; provision of safe water supply; proper sanitation systems and excluding disease carriers from food handling. The programmes include the rehabilitation of existing water lines and reservoirs in urban towns.

19. Lesotho has water in abundance hence in 1986 it signed an agreement with South Africa to provide the Republic of South Africa with water under the Lesotho Highlands Water Project (LHWP) as established by the Lesotho Highlands Development Authority Order 1986. The LHWP has been the main driver of investment that has provided macroeconomic stability for the country.

20. The LHWP has made a remarkable contribution to the construction activities of water dams at Mohale Dam, Katse Dam and Matsoku. Lesotho is selling excess water to South Africa and gets fixed and variable royalties from the transfer of water. The royalties amount to about $937,500 per month on average. Another contribution is the generation of power for local consumption, at Muela Hydro – electric power station. This contributed to a sudden boom in the construction sector. The multi-billion-dollar project brought with it the construction of infrastructure and socio – economic development, as most people worked in the project for more than ten years. The performance of the project is that for the years 2005 to 2007, Mohale Dam started an overspill for the first time since impoundment in November, 2002. Since its inception, the LHWP has made many milestones and benefits which include contribution to sustain and enhance biodiversity in Lesotho through community programmes. There has also been awareness raising of environmental management and conservation issues.

21. The resettlement project of the LHWP built modern standards of houses according to the size of their affected dwellings. Affected families received annual compensation for arable land lost, based on generous production estimate either in cash or in kind – that is in maize or beans, depending on the discretion of the recipient. To ensure that the

communities affected by the LHWP benefit and gain employment from the project. LHWP created thousands of jobs in construction and other sectors of the Lesotho economy.

22. A statement of Intent between the Government of the Kingdom of Lesotho and The Republic of South Africa was signed in August, 2010 on the development of Phase two - 2 of the LHWP for construction of Polihali dam in the Mokhotlong district of which consultations and ground work have begun.

23. The Government further improved water supply and sanitation in the urban and rural areas with the construction of Metolong Dam. The dam was completed in September 2014 to supply Roma, Mazenod, Morija, Maseru and Teyateyaneng with clean water for household consumption. In addition, 6000 households were connected to potable water in the urban areas; 97 water supply systems were constructed and 500 hand pumps maintained in the rural areas, serving 60,738 people. With regard to sanitation, 8 000 VIP latrines were constructed serving 58,000 people in the rural areas, while there were 600 sewer line connections in the urban areas.

2. Socio-Economic Indicators

(a) Employment

24. Employment contributes to the economy of the country. The economy of Lesotho is divided into 3; primary, secondary and tertiary sectors. The primary sector comprises of agriculture, mining and quarrying. The secondary sector comprises of manufacturing, building and construction. Lastly, the tertiary sector comprises of the retail, telecommunications, real estate and government. Government is the largest employer, however manufacturing sector surpassed the Government as the largest employer in 2012. Due to high rate of unemployment in the country, Basotho are forced to migrate to South Africa and abroad in search of employment.

(i) Public Sector

25. The Government of Lesotho is the largest employer thus maintaining a large presence in the economy as in 2013 government consumption accounted for 39% of GDP.[4]

(ii) Private Sector

26. The Government of Lesotho recognises the significance of private sector development in reducing high rates of unemployment and promoting sustainable economic growth. The private sector development helps in reducing unemployment and corruption which have far reaching implications for both economic and social lives of the country's population. Jobs created by the private sector enterprises lead to economic diffusion of growth by having a direct impact on poverty alleviation. Private Sector is also the main source of tax revenue, contributing to public funding of health care, clean drinking water, food and agricultural inputs such as seeds for the poor, and satisfying other demands[5]. Private enterprises do not only promote economic growth and reduce poverty, but they contribute greatly in the provision of employment opportunities for the poor, and a better standard of living. This means that supporting the private sector development through conducive environment and increased entrepreneurial capacity building is a critical step towards the achievement of sustainable economic growth in Lesotho.[6] The largest private

[4] Extract information from Economic Review November, 2009 Central Bank of Lesotho

[5] Ibid note 5 above

employer is the textile and garment industry as approximately 36000 Basotho, mainly women, work in factories producing garments for export to South Africa and the US.

Employment Analysis

Table 2
Employment Trend December 2012 – December 2015

Source: LNDC Database

27. The employment trend shows a downward trend from the period in December 2014 and December 2015. This is attributed to late re-authorization of AGOA which affected orders as they are placed 9 months in advance. Nonetheless, the ultimate enactment of AGOA and weakening Rand Dollar exchange are developments that are expected to raise employment levels. The weakening rand vis-à-vis the US dollar make locally produced goods cheaper in the US market hence potential increase in sales. However, the complete recovery of the industry can be expected in 2016 due to the nature of the textile industry's seasonal dynamics.

28. Employment analysis by industry classification is shown in the table that follows. From 2014 to 2015, employment has been reportedly increasing in the footwear, printing and embroidery. It has been declining in the, hospitality, clothing & textile, packaging, agro industry, building material, electronics & engineering, health & household Care. In general employment declined by 3% from 2014 to 2015 with the highest decline recorded in the agro industry at 85% due to closure of one company. 87% of the employment in manufacturing is generated by the clothing and textiles industry. This industry further accounts for 58% of LNDC portfolio of companies. The clothing and textile industry is followed by footwear in terms of employment generation at 4%.

Table 3
Employment Levels by Industry

Industry	*Number of companies dec 2015*	*Employment december October December*			*Growth in employment December industry (2014 - 2015)*	*Performance by December industry December 2015*
		2012	*2013*	*2014*		
Leather and footwear	3	2230	1,694	1,832	8%	4.1%
Clothing & Textile	47	38207	39516	38,284	-3%	86.7%
Packaging	4	242	216	149	-45%	0.3%
Agro Industry	3	540	887	479	-85%	1.1%

Industry	Number of companies	Employment Number			Change in employment	Performance in relation to industry trend
	2013	2013	2014	2015	2014 - 2015	2015
Building Material	3	356	422	150	-72%	0.8%
Electronics & Engineering	3	1181	965	879	-10%	2.0%
Printing and Embroidery	3	127	71	102	30%	0.2%
Health & Household Care	3	109	93	67	-39%	0.2%
Hospitality	1	411	413	366	-13%	0.8%
Other[7]	9	668	1109	1648	33%	3.7%
Total	**81**	**44241**	**45387**	**44163**	**3%**	

Source: LNDC Database

(iii) Informal sector

29. In this sector, activities undertaken by individuals include street vendors, farmers, domestic workers, herd boys and other activities. Some of these activities are regulated; for example, street vendors are licensed while the wages rates are set for domestic workers.

(b) Migrant Workers

30. Lesotho has migrant workers in South Africa and abroad. These migrant workers include health professionals and others, although there is no consolidated and comprehensive data. Lesotho's location within the boundaries of the Republic of South Africa has played a key role in determining its employment parameters as over the years Basotho have been migrating to South Africa in search of job opportunities. The table below shows the migration trend of Basotho registered with the Ministry of Labour for work in South Africa since 2009 to 2015.

Table 4
Migration Trend of Basotho for the year 2009- 2015

Year	2009	2010	2011	2012	2013	2014	2015
Miners	97000	35 1	30402	23252	28233	25734	5130
Non-Miners	5109	1678	6758	4672	3019	1042	No data

Source: Labour Commissioner

31. Owing to increased redundancies from the mines, the number of migrant workers employed in the mines has been steadily decreasing, from around 97, 000 in 2009 to 5130 in 2015. Many Basotho miners have as a result faced retrenchment. The retrenchment of the mine migrant labourers has resulted in the high unemployment rate and the lack of alternative sources of income in the country.

[7] This category includes umbrellas, commercial, cigarettes, green industry, automotive and other industries.

32. According to the National Migrant Remittances Framework of Action for Lesotho 2013 the Southern Africa Migration Project outlined that while there are Basotho working in the mines in South Africa, there are others working in various sectors: 10% occupy skilled positions; 10% work as domestic workers while 6% work in the agriculture and manual work.

33. Section 140 of Labour Code makes provision for the existence of the recruitment agencies. Currently, there are three (3) categories of recruitment agencies for mining, farming sector and other sectors. In 2015, Lesotho signed a Declaration of Intent with South Africa which includes provision of special permit for regularisation of unskilled Basotho migrant workers.

(i) Migrant Remittances

34. Remittances constitute a large proportion of GDP. According to World Bank data, recorded remittances for Lesotho constituted 29% of GDP in 2012. Most households depend heavily on remittances from mines, farms, health professionals and domestic workers. The remittances of the migrant mineworkers have over the decades accounted for a significant part of Lesotho's overall national income though it has been declining in the recent years due to retrenchments. Notwithstanding this decline, remittances from mine workers have remained a significant contribution to the overall disposable income in the economy.

(ii) *The Manufacturing Industry*

35. The Industry Status report for the quarter ending December 2015 provides analysis on industry performance in relation to employment and exports, industrial relations as well as general economic analysis. Most firms currently have orders up to a period of December 2016, whereas there are some firms with indefinite orders. This will in the long term provide the economy with positive growth in exports both in value and volume to the US market. Orders for the South African market remain relatively stable and but growing as shown by the increased performance in the value of exports destined for the RSA market in January-July 2015 compared to January-July 2014.

(i) Export Markets Performance

36. The US market remains the biggest market for Lesotho's exports of textiles and clothing. The table below provides the latest update of exports in volume and value terms. Apparel exports to the United States market improved for Lesotho in both value and volume terms.

Table 5

Apparel Exports to the US (January 2014 – November 2015)

	Jan 2014 - Nov 2014		*Jan 2015 - Nov 2015*		*% growth*	
Country	*SMsme*	*$ million*	*SMsme*	*$ million*	*SMsme*	*$ million*
Lesotho	60 032	269 138	61 121	271 539	1.81%	0.82%

Source: US-Africa Trade Report January 2016

37. On the other hand, exports from the East Asian countries to the United States market have shown significant growth perhaps due to the shifting of orders into their region from Sub-Saharan Africa countries. Vietnam, CBI and Bangladesh experienced more growth comparatively as shown in the table below.

Table 6

Exports from East Asian countries

Region/ Country	January – October 2014 (dollars)	January – October 2015 (dollars)	% change
Vietnam	2,536,810	2,898,277	14.25%
Cbi (non-cafta)	289,490	309,825	7.02%
Bangladesh	1,488,378	1,725,571	15.94%
India	896,908	952,695	6.22%
China	10,607,150	10,577,360	-0.28%
Cambodia	951,229	972,805	2.27%
Sub-Saharan Africa	237,680	228,826	-3.72%

Source: US-Africa Trade Report. January 2016

38. Exports from China and Vietnam threaten the market share for Africa since they have tapped into same product categories as Africa and their growth has been significant over time although they have been operating on a non-duty-free basis. With the recently approved Trans-Pacific Partnership (TPP), Vietnam is likely to pose further erosion to AGOA.

39. The RSA market also remains one of the main markets for Lesotho's exports. The graph below provides a pictorial summary of the trading between Lesotho and RSA between the two quarters September -November 2014 to September - November 2015. Significant growth in exports was experienced in November 2015 due to increased exports of textiles and garments as some of the companies traditionally exporting to the US shifted their market to South Africa.

Graph 2

Lesotho's exports to South Africa (September – November 2014 to September - November 2015)

Source: UNCOMTRADE

(iii) EU Market

40. The merchandise exports to the EU from Lesotho is still dominated by raw diamonds.

(iii) Export Products

41. Lesotho's exports to the US remain concentrated in textiles and garments while exports to RSA are in a couple of sectors. In 2016, featuring in the list of export products to RSA are unprocessed wool and mohair, textiles and garments, leather and articles of leather, frozen fish and granite to mention but few.

(d) *Health*

42. Lesotho's healthcare comprises of curative, preventative and rehabilitative services which are government and privately owned hospitals, clinics and health centres. Among these facilities there are specialist hospitals for mental health and leprosy and specialised health centres for HIV/AIDS. Traditional healers are issued with licenses to practice although there is no consolidated data on the issued licenses.

43. Donor contributions have been beneficial in supporting the Government to reach its obligations towards fulfilment of the right to health. On the foregoing, a EUR 2 million grant has been provided by the European Union to Apparel Lesotho to Fight Aids (ALAFA) for providing HIV and AIDS care in the workforce, particularly the clothing industry. Further, under the Millennium Challenge Account, the Government has benefited in the renovations of health centres as well as establishment of new health centres.

(i) HIV/AIDS

44. Lesotho is one of the world's countries hardest hit by HIV, with the second highest HIV prevalence. HIV prevalence was 22.9% in 2013, which has risen slightly from 22% in 2005. An estimated 360,000 people are living with HIV in Lesotho and 16,000 died from AIDS-related illnesses in 2013. HIV incidence has declined marginally from 30,000 new infections in 2005 to 26,000 new infections in 2013[5]. Several efforts have been made by the Government, aimed at providing a conducive environment for the fight against HIV and AIDS, for example, the Labour Code (Amendment) Act 2006 was enacted to end discrimination of the infected and affected in the workplace. Also, the Labour Code (Codes of Good Practice) Notice of 2003 provides for prohibition of dismissal of person merely on the basis of their HIV/AIDS status.

45. HIV/AIDS pandemic is one of the contributing factors of the increase in orphanhood. The number of orphans increased from 9, 9082 in 2004 to 12, 2769 in 2006. An increase of 12, 8257 pupils out of 42, 4855 30.1% was further observed. About half 56.6% of these orphans had lost a father compared to 18.9% that had lost a mother. Those that had lost both parents constituted about 22.5% of the orphans.

(e) *Agricultural Sector*

46. Lesotho is dominantly a rural economy, with 76% of people living agrarian lifestyle in the rural areas. Its primary sector is agriculture, with the main products being corn, wheat, sorghum, barley, peas, beans, livestock and livestock products like wool, mohair, eggs, milk and meat. While contribution of agriculture to GDP is not a good indicator to mark performance of the sector, contribution of agriculture to GDP has been a declining

[5] UNAIDS (2014) The Gap Report

trend. According to the National Accounts Publication 2014, agriculture contributes 6.9% to GDP. The situation is attributed to prolonged and unfavourable weather conditions which negatively affect the production for both agricultural sub-sectors of crops and livestock.

47. While arable land accounts for only 9% of the total land area of the country, there are a number of challenges which include soil erosion and soil degradation. In 2012-13, an estimated 725,500 people were in need of food assistance hence the Prime Minister declared a state of emergency on food. In two consecutive agricultural years, 2014-15 and 2015/16 the country experienced a severe drought that affected the southern region. The 2015/16 drought has been exceptionally intensive in the history of the country. The subsistence agriculture in the country is entirely rain fed. This means that successive drought adversely affected the performance of agriculture and similarly other sectors of the economy.

48. The Government has undertaken steps to revive the agricultural sector and diversify agricultural production for better performance and development. The Block Farming strategy with some subsidies was introduced as a mechanism of commercializing and reviving the agricultural sector. Since this strategy was put in place, the sector has performed much better under block farming. The prudent utilization of the country's abundant natural resources such as water for irrigation, domestic use and export to the Republic of South Africa stand as viable options for economic diversification.

49. Currently Lesotho cannot produce enough food to meet the domestic demands as production is only about 20%. Almost 70% of the annual cereal requirements are imported mainly from South Africa. The majority of the people, especially in the rural areas rely heavily on subsistence farming. A large proportion of the rural population is caught up in poverty with poor crop yields and little or no resources to buy imported food staffs. Lesotho Vulnerability Assessment Committee Report 2014 shows that about 24% of the population is classified as food insecure.

50. Agricultural production has continued to pose a challenge over the years due to a combination of factors: limited arable land; repeated drought spells; erratic weather patterns and inadequate agricultural technology. According to the figures compiled by the Central Bank of Lesotho in 2004, output in crop production declined by 1.9% in 2005 by 1.7% in 2006 it increased by 1.7% and the preliminary figures for 2007 showed a drop in yield of 8.6%.[7] This means that the country is becoming more dependent on imports of cereals, vegetables, fruits and food donations from the international community.

51. To address this problem, the Ministry of Agriculture and Food Security was allocated 11% of the total budget to intensify training and strengthening of extension services, reviving irrigation scheme and promotion of conservation agriculture where it is viable. Moreover, this allocation is directed towards the procurement of additional farming equipment and supplies, to increase capacity and timely assistance of farmers with farm operations and harvesting and for rehabilitation of Lesotho Agricultural College and farmers training centres. However, improving agricultural production remains a challenge. Any delays in this area retards poverty alleviation and achievement of food security.

(f) Poverty

52. Poverty in Lesotho is a challenge with variation to gender, household size and access to basic services including water and housing. Unemployment and uneven distribution of income is the major cause of poverty. Furthermore, a significant amount of labour is devoted to low productive rain-fed crop farming and livestock activities, which do not provide an adequate livelihood without the additional support from non-farm employment and migrant remittances. However, the agricultural sector remains the main source of livelihood and income for the rural poor. The country is confronted with severe

natural resources degradation and weak environmental conditions. The performance in the rural economy continues to be highly affected by poor agricultural productivity, lack of infrastructure, and prolonged drought.

53. The transformation of Lesotho's economy from being predominantly agriculture to manufacturing has improved livelihood options in the urban sector. However, this has significantly undermined the capacity of the rural and agricultural sector as a source of livelihood, employment and income. It will therefore be necessary to take measures to restore the sources of livelihoods for the rural population.

(c) Education

54. The Government of Lesotho has enacted the Education Act 2010 which provides the right to free and compulsory education. This has been seen as a promising milestone in achieving the Millennium Development Goals for Universal Primary Education. Free Primary Education was already introduced in the year 2000, as a major strategy towards achieving Universal Primary Education and Education for All goals. Due to the fact that it was not compulsory, some parents were still not taking children to school.

55. The Constitution of Lesotho of 1993 in section 3(1) states that, "the official languages of Lesotho shall be Sesotho and English". These are also the two official teaching languages in the schools, from primary school, secondary school, high school, tertiary, vocational and tertiary level. The opening of many English medium schools has also called for the high use of the English language in schools.

56. The Ministry of Education is in charge of the primary schools syllabus while the setting of standard 7 final year of primary school examinations is done by the Examination Council of Lesotho (LCOL). Secondary education takes three years and it is run jointly with the Education Ministry of the Kingdom of Swaziland. The high school level, which takes two years after the secondary level, was the sole responsibility of Cambridge University in England, and currently the system has been localized. The high school level is again a channel into institutions of higher learning such as the university, teacher training college and technical and vocational schools.

57. According to the 2014 Education Report, Lesotho had about 1,477 primary schools with an enrolment of 366,048 pupils, roughly split between males and females, with 11,167 teachers of whom 8,463 were qualified teachers. There were about 339 secondary schools with 128,473 students, and 5,267 teachers, of whom 5,043 of them were qualified teachers. The female student population is in the majority at this level.

58. Beyond the previous Cambridge Overseas School Certificate which is currently known as the Lesotho General Certificate in Secondary Education (LGCSE), there are higher level institutions known as tertiary or higher education institutions. There are currently 14 institutions recognised by the Government of Lesotho from which 9 are public and 5 are private. A total of 24,073 students were enrolled in this institutions during the academic year 2012/2013,out of this number, 58.6% were females while 41.4% were males. 85.4% of these students were at National University of Lesotho, Limkokwing University of Creative Technology, Lerotholi Polytechnic and Lesotho College of Education. About 59% of the students in tertiary education were females.

59. When studying enrolment in registered primary schools for the districts during 2012/2014, it was observed that Maseru had the highest enrolment of 82,487 followed by Leribe with 55,915 then Berea with 44,601 and Mafeteng with 37,102 in 2014. Quacha's Nek had the lowest enrolment of 15,380 pupils in the same year. Gender disparity according to district and region was also observed. In the lowland districts more boys were enrolled compared to girls, while the opposite was found in the mountains.

60. The distribution of schools by districts reflects that Maseru has the largest number of 252 schools, followed by Leribe with 199, while Mohale's Hoek has 171. Butha-Buthe has the smallest number with only 82 schools. The mountains have many small schools scattered all over the region with a small number of pupils enrolled.

Schools Enrolment in registed Primary Schools by District, Sex and Year, 2012-2014

District	Male	Female	Total	Male	Female	Total	Male	Female	Total
Butha-Buthe	11572	10823	22395	11429	10787	22216	11476	10825	22302
Leribe	30696	28445	59141	29867	27534	57401	29010	27896	56906
Berea	24525	22545	47070	23669	21611	45280	23282	21736	45018
Maseru	43186	41114	84300	42449	40478	82927	42467	40863	83330
Mafeteng	20323	18508	38831	19826	18040	37866	19286	17810	37096
Mohale's Hoek	17332	1707	34039	16755	16660	33415	16510	16010	32520
Quthing	11859	11175	23032	11280	11103	22383	11228	10846	22074
Qacha's Nek	8140	7693	15833	7974	7735	15709	7875	7511	15386
Mokhotlong	11097	12161	23258	10901	11951	22852	10967	11865	22832
Thaba-Tseka	16113	16792	32815	15458	16251	31709	15043	15843	30886
Total	**194849**	**186841**	**381690**	**188650**	**181419**	**3694978**	**186660**	**17944**	**3660485**

Source: Education Statistics Report 2014

(h) Tourism Sector

61. Lesotho's tourism sector contributes above 4% to the GDP of the country. The mountains, culture and altitude of Lesotho makes it appealing to the tourists. The Transfrontier Conservation and Development area embraces Lesotho Maloti Highlands and the Kwazulu-Natal Drakensburg mountains in South Africa. It is one of the achievements resulting from the collaboration between Lesotho and South Africa in conserving the globally significant natural and cultural heritage together with the scenic splendour of the area.

62. The snowfall in the mountain districts during the winter season act as a great tourist attraction hence the establishment of Mahlasela Afri-Ski and Mountain resort which was officially opened in 2010. It is primarily a winter destination although currently it is being developed to run all year round and to have the highest zip line in Africa and is expected to be operational the upcoming winter (June 2016). On average the Afri-ski accommodates more than 500 people per day and has accommodation facility for about 300 people.

63. Around 2005, Lesotho inherited facilities from Lesotho Highlands Development Authority (LHDA) which are Liphofung Cultural and Heritage Centre, Tsehlanyane Nature Reserve and Bokong Nature Reserve. The other tourist attraction centre is Sehlabathebe National Park which has been operational since 1970s, after face uplifting by MDTP, it is now called Maluti Drakensburg Park and first to be declared and enlisted as world heritage site making it the largest protected area complex along the great escarpment of Southern Africa. It has the following features: environment centre where extinct and extinguished fauna and flora (biodiversity) are found, extinguished animals, serves as a scientific research station and has accommodation facility.

64. Kome Caves also contribute to the tourist beauty, it is a living heritage site dating to about 200 years back. Besides that, Thaba – Bosiu heritage and museum is a historic

mountain plateau in that the Basotho nation was founded there by King Moshoeshoe I. The historic royal village is preserved above the mountain and below the mountain is a cultural village which depicts the way of living of Basotho. Malea Lea lodge and many other holiday resorts that are scattered in the country provide the tourists with freshness of the pure air.

65. About 30 years ago, Phase I of the Lesotho Highlands Water Project established two major dams mainly to collect water which is also sold to South Africa for household consumption while also generating electricity for Basotho at Muela Hydro Power station, namely Katse dam in the Leribe district and Mohale dam in Maseru District. Mohale dam has an island called Thaba Chitja which is accessible only by helicopter and boat. Katse dam on the other hand has a catchment area where trout fishery is done, mainly for export. It is highly organic and is exported as far as Japan. These dams won international awards for best technical design and being the highest man made dams in the world. Phase 2 preliminary consultancies and groundwork have begun where infrastructure and accommodation facilities are to be developed. Since 2008, there was the development of lower income facilities, in the villages they are called home stays and in the towns areas are called guest houses and Bed & Breakfast.

66. Maletsunyane Falls is the highest single drop in Southern Africa and is enlisted in Guineas Book of Records as the highest abseil. Morija Museum is the longest standing museum in the country and has more than 150 years which makes it rich in history where one of the first of the countries are placed; these being the first Hospital, printing works, schools, where the first missionaries were housed and also where the royal base is found.

67. Tourism is planning to create circuit routes whereby refresher stations will be developed between tourists' spots. A roads network system that is unfolding shall go a long way towards the development of the sector. Lesotho has a habitable highest point in Africa and has the highest motorable track in Haeng at Mokhotlong District.

68. Roof of Africa is an event which contributes to the development of tourism in the country. It started forty nine years back and is normally held between November and December, it attracts about 3000 people.

69. Lesotho Tourism Development Corporation (LTDC) was established to promote and market tourism in and outside the country through infrastructure development, information dissemination, and further to advice the government on all policy related issues, to mention but few. Promotion and marketing is also done through trade and travel shows which happen within a range of four days, namely, Indaba which is a show held in Durban in South Africa, World Tourism Market in the UK or Cape Town and through tourism website which add to the beauty of Lesotho.

(i) Government Revenue

70. Government revenue depends heavily on transfers from South Africa. Customs duties from the Southern Africa Customs Union accounted for 44% of government revenue in 2012. The South African Government also pays royalties for water transferred to South Africa from a dam and reservoir system in Lesotho. However, the government continues to strengthen its tax system to reduce dependency on customs duties and other transfers. The distribution of income in Lesotho remains inequitable. Lesotho imports 90% of the goods it consumes from South Africa, including most agricultural inputs.

(j) Exchange Rates

71. During the fourth quarter of 2014, the Rand and hence Loti depreciated against the US Dollar and the Pound Sterling while it appreciated against the Euro. The depreciation of the Rand led to increased demand for Dollar-denominated assets and therefore the

appreciation of the US Dollar. The depreciation of the Rand against the US Dollar resulted from the expectations that the US Federal Reserve Bank will start tightening the monetary policy in the second half of the year. The Loti also remained sensitive to the weak trade data, electricity supply constraints and weak domestic growth outlook in South Africa. The exchange rate depreciated by 4.2% and by 0.2% against the US Dollar and the Pound Sterling, respectively while it appreciated by 5.6% against the Euro in the same year. The USD/LSL gained 4.185 or 36.61% during the last 12 months from 11.43 in February of 2015. Historically, the Lesotho Maloti reached 16.87 in January of 2016 and a record low of 2.51 in November of 1990.

II. General constitutional and political structures of government in operation

72. Lesotho is a constitutional monarch. It gained its independence from Britain on the 4th October, 1966. The King is the Head of State. There are three arms of Government; the Legislature, the Executive and the Judiciary, to ensure checks and balances. The Head of Government is the Prime Minister.

A. Legislature/Parliament

73. Section 54 of the Constitution establishes Parliament, which consists of the Senate and the National Assembly. The Senate consists of 22 principal chiefs and 11 other senators nominated by the King acting in accordance with the advice of the Council of State (sect. 55 of the Constitution). The National Assembly consists of 80 members elected in accordance with the provision of the Constitution (sect. 56).

74. The Parliament of Lesotho is bicameral and consists of the Senate as the upper house and of the National Assembly as the lower house. The National Assembly consists of 120 seats.

75. The right to participate in the affairs of the country is realized through representation of parliamentarians and this is through the mandate given to them during general or by-elections. Parliamentary Portfolio Committees are linked to various Ministries to oversee the activities of the public service and to ensure their accountability to the public.

B. Executive

76. Over the years, Lesotho's democracy has been evolving and at times proved to be fragile. Fragility manifested itself in the form of challenges posed after some elections. On occasion this led to the suspension of constitutional rule, temporary dictatorships and resulted in abuse of human rights. Lesotho held its democratic elections in 1965, 1970, 1993 and 1998 under the Westminster model based on multi-party democracy. Lesotho had been using the First - Past - the - Post electoral model. That model, though accepted and used in many other democratic countries, was considered by some as not translating the national vote into a satisfactorily proportionate share of seats in the National Assembly. Experience in the 1990's revealed that the electoral model was not giving comfort to all parties. In 1993, Lesotho witnessed a new political development with the first democratic election and a drawing up of a new Constitution.

77. After the elections of 1998, there was a political turmoil. As a result, the First Past the Post Model was abolished as it lacked political openness and the Mixed Member Proportional Representation which makes a 40:80 mixed electoral model was adopted.

Lesotho used this Model in the 2002, 2007 and 2012 general elections respectively. This model has worked well as it has improved inter-party dialogue, encouraged inclusiveness and broader representation in the National Assembly. The 2012 elections had culminated in the first coalition government which lasted for two years as Lesotho experienced first snap elections being her sixth democratic elections in February 2015 culminating in the existing multi party Government.

C. Judiciary

78. Fundamental freedoms and inherent human rights are guaranteed under an independent Judiciary that comprises of Court of Appeal; High Court; Subordinate Courts and specialized tribunals exercising a judicial function as enshrined in the Constitution.

79. The courts in the performance of their functions are free from interference and subject only to the Constitution and any other law. The Government as the Executive branch accords assistance that enables them to protect their independence, integrity, dignity and effectiveness. It is the duty of the Executive and the Legislature to respect and observe the independence of the Judiciary. The courts decide matters before them impartially, on the basis of facts in accordance with the law without undue influence, threats, pressures or restrictions. Judicial proceedings are conducted fairly respecting the rights of all parties. The High Court sits as the Constitutional Court to hear purely human rights and constitutional matters. Lesotho has enacted the Judiciary Administration Act 2011 which incorporates basic principles that promote the independence of the Judiciary and establishes administration and conditions of service of the Judiciary. The Act has also enabled Parliament to allocate budget straight to the judiciary unlike in the past when it was part of the Ministry of Justice.

80. In this regard, Lesotho follows the English common law approach observed in the majority of States of the British Commonwealth, whereby international conventions and covenants are not invoked directly in domestic courts, that is they are not self-executing. They have to be transformed into internal laws by Parliament or administrative regulations by administrative bodies in order to be enforced. Unless specifically implemented by domestic law-making procedures, an international norm [illegible] is, of itself, part of domestic law. The Bangalore Principles provide that it is within the proper nature of judicial process for national courts to have regard to international human rights norms, whether or not incorporated in domestic law, for the purpose of resolving ambiguity or uncertainty in national constitutions and legislation. Hitherto there has not had any case in court on this point.

81. The Labour Code 1992 provides in Section 4 (c) that, "in case of ambiguity, provisions of the code and of any other rules and regulations made there-under shall be interpreted in such a way as more closely conforms with provisions of conventions adopted by the conference of International Labour Organisation, and of recommendations adopted by the Conference of the International Labour Organisation. The resort to international labour conventions where the domestic law is not protective of the rights of workers has been provided for as indicated. This section specifically outlines that where national laws on labour standards are silent, international labour standards shall apply. ILO Conventions that are not ratified by Lesotho may also be resorted to where they can resolve the ambiguity in the domestic legislation.

82. Recent developments in the Judicial Sector were carried out under the Civil Legal Reform project component of the Millennium Challenge Account – Lesotho and Millennium Challenge Corporation – US have put in place a programme aimed at the improvement of the private sector. The civil legal reform project centres on the improvement of the operations of the commercial court, introduction of the Alternative

Dispute Resolution Mechanism: ADR, the small claims court, and improved case management for civil, criminal and commercial cases. A firm of consultants from Uganda has been engaged to assist the justice sector to implement this programme.

III. Main initiatives and governance programmes

A. National Vision 2020

83. Vision 2020 which encapsulates the country's development vision was adopted stating that, "By 2020 Lesotho shall be a stable democracy, a united and prosperous nation at peace with itself and its neighbours. It shall have a healthy and well – developed human resource base. Its economy will be strong; its environment well managed and its technology well established."

84. The Lesotho National Vision establishes a long term vision for Lesotho by looking beyond the short and medium term plans and macro-economic adjustment programmes. It explores options for achieving economic, social, political and human development progress to the year 2020. It identifies alternative development strategies suitable for Lesotho's situation, which yield: a stable democracy, peace and security, stability domestically and regionally, a healthy and well developed human resource base, a sound economy with decent standard of living, a well managed environment and advanced technology and good governance, considerable progress on the human development front (as broadly defined) among other things. The Vision is based on the principles of democracy, good governance and human rights. In the light of changed parameters in the aftermath of the global financial and economic crisis, which has hit least developed countries (LDCs) such as Lesotho, very hard, the need to revise the strategic framework is obvious. It will be supplemented by a medium term development Plan called the National Growth Strategy (NGS).

B. Millennium Development Goals

85. Lesotho is a signatory to the Millennium Declaration which was adopted by the United Nations in 2000. As much as Lesotho is facing challenges of combating the HIV/AIDS pandemic, the extreme hunger and poverty, the country however remains committed to the attainment of the Millennium Development Goals.

86. Lesotho's achievements and progress to date regarding the millennium development goals has been recently noted in the Lesotho Millennium Development Goals Report of 2010, which was presented at the 2010 session of the General Assembly in New York, United States of America by The Right Honourable the Prime Minister of Lesotho.

C. National Strategic Development Plan (NSDP) [2012/13 – 2016/17]

87. The NSDP succeeds the Poverty Reduction Strategy Paper (PRSP) and the Interim National Development Framework (INDF). Like the PRSP and the INDF, it also serves as an implementation strategy for the National Vision 2020 for the next five (5) years. NSDP is expected to reduce poverty and achieve sustainable development. The NSDP strategic goals are to pursue high, shared and employment creating economic growth, develop key infrastructure, enhance the skills base, technology adoption and foundation for innovation, improve health, combat HIV and AIDS and reduce vulnerability, reverse environmental degradation and adapt to climate change and promote peace, democratic governance and build effective institutions.

88. Through Vision 2020 and the National Poverty Strategy, the decentralisation of national development services through the local authority structures was ushered in with the enactment of the Local Government Act 1997 which established structures of decentralisation. The establishment of these structures is intended to promote participatory democracy and the involvement of rural communities in their affairs.

89. Democratic local government elections were held for the first time in 2005. Efforts were made by Government through the enactment of the Electoral Law (Amendment) of 2005 on 30% quota for women's nomination in the local government elections. As a result of this quota this law, women won 58% of the seats in the elections. The challenge that was encountered with these elections was that the population turnover of the electorate was not as high as that of the national elections.

IV. Institutional machinery with responsibility for overseeing the implementation of human rights

A. Independent Electoral Commission

90. The Independent Electoral Commission (IEC) was established by the 1997 Second Amendment to the Constitution. The National Assembly Elections (Amendment) Act 2001 sets up the Commission with its responsibilities including, amongst others, the demarcation of electoral constituencies, compilation of the register of voters, organization and conduct of the National Assembly elections, Local Government elections and the ***referenda***. The IEC organized and held the first National Assembly elections in 1998 and held subsequent elections in 2002, 2007, 2012 and 2015 while the first Local Government elections were held in 2005. In addition to managing the electoral process, IEC disseminates voter awareness information through media usage and promotes the right to vote in Lesotho.

B. The Ombudsman

91. The Office of the Ombudsman was established in terms of Section 134 of the Constitution. The Ombudsman is viewed as complementing the work of the Judiciary. It provides very authoritative albeit informal and speedy procedures that render quick access addressing complaints and settling disputes.

92. The Ombudsman has a constitutional and legal mandate which emanates from the Ombudsman Act 1996 to investigate actions of maladministration by administrative bodies and also protects the rights of individuals who are believed to be victims of unjust acts perpetrated by the Government and Statutory Corporations. However, the office only makes recommendations. It has no enforcement powers.

C. The Directorate on Corruption and Economic Offences (DCEO)

93. DCEO was established as an oversight body on instilling accountability and transparency in the management and disposal of public assets. The Government enacted the Prevention of Corruption and Economic Offences Act 1999 that sets up the Directorate on Corruption and Economic Offences to investigate suspected cases of corruption. Since its operation the DCEO has succeeded to strengthen internal procedures and controls to deter corruption and facilitate the detection and prosecution of corrupt practices. The Prevention of Corruption and Economic Offences (Amendment) Act 2006 introduced the declaration

of assets and income by all those in the public service, and provided further operational autonomy to the Directorate.

D. Police Complaints Authority

94. The Police Complaints Authority (PCA) is one of the institutions that promotes and protects human rights in Lesotho. It is established under Police Service Act 1998. PCA has authority to investigate and report to the Police Authority or the Commissioner in respect of any complaint from a member of the public about the conduct of a member of the Police Service with regard to corruption and human rights. The aim of the authority is to assist in effective policing and observance of human rights by the police service.

95. To facilitate accessibility of services, the Authority has signed Standard Operating Procedures which assist to circumvent the problems associated with lodging of complaints against the police with the Minister or the Commissioner. These procedures allow submission of complaints to police offices in the districts who then forward the complaints to PCA for investigation. PCA works in close collaboration with the police and has held training workshops on human rights protection, stock theft and customer care. Their success is dependent on reports that reflect compliance of human rights by the police service.

E. The Human Rights Unit

96. Human Rights Unit was established in 1995. The objective of the Unit is to promote a culture of observance and respect for human rights. The Unit receives complaints from the public and undertakes investigations of alleged violations of human rights and makes referrals where necessary; undertakes human rights awareness raising activities and reviews legislation and policies for compatibility with developments in the international sphere. The Unit has facilitated human rights trainings for law enforcement agencies, members of Parliament, the Judiciary, teachers and the youth. These were held in collaboration with the civil society organisation, non-governmental organisations and the development partners. The Unit facilitates commemoration of international human rights day annually. The Unit is also responsible for the compilation, submission and presentation of international and regional human rights instruments to which Lesotho is a state party.

97. Under the Consolidation of Democracy and Good Governance Programme of the United Nations Development Programme (UNDP) and Irish Aid, the Government was granted support for the establishment of the National Human Rights Commission 2008. In 2011, the 6th Amendment to the Constitution established the said Commission. The enabling legislation is before the ninth Parliament for consideration. The Bill defines the composition of the Commission, its powers, and procedural operation. The operational modality and administrative machinery for the implementation of the commission has also been completed, in terms of budgetary costing and human resource requirements. The Commission will be charged with the responsibility to monitor the general human rights situation and to investigate human rights abuses and will inspect and monitor places where human rights violations are likely to take place, such as correctional centres, police stations, and any other places of custody or detention.

V. General legal framework within which human rights are protected

A. Constitution

98. The Government of Lesotho places a high premium on respect for, and promotion and protection of human rights. Fundamental human rights and freedoms are protected in chapter II of the 1993 Constitution of Lesotho, which is the supreme law of the land. They include the right to life, the right to personal liberty, freedom of movement and residence, freedom from inhuman treatment, freedom from slavery and forced labour, freedom from arbitrary search or entry, the right to respect for private and family life, the right to fair trial, freedom of conscience, freedom of expression, freedom of peaceful assembly, freedom of association, freedom from arbitrary seizure of property, freedom from discrimination, the right to equality before the law and equal protection of the law, and the right to participate in Government.

B. Legislation

99. In addition to the Constitution, following are some of the new developments in legislation which protect the enjoyment human rights:

- Sexual Offences Act 2003 covers areas which were not addressed under the common law offence of rape. It takes into account the rights of the victims of this offence, the rights of the disabled persons, men, women and children.
- Speedy Courts Trial Act 2002 ensures protection of the rights of offenders to a fair and speedy trial within a reasonable time.
- Legal Capacity of Married Persons Act 2006 removes the minority status of women married in community of property and marital power of the husband over the person and property of the wife with regard to administration of the joint estate.
- Children's Protection and Welfare Act 2011 protects the rights of children in general and caters for their general wellbeing. The Act further makes provision for Children's Court which was launched in September 2011 as part of Government's initiative to provide a child friendly environment when dealing with children in conflict and affected by the law.
- Race Relations (Amendment) Act 2005 provides for protection against practices of racial hatred.
- Environment Act 2008 protects the right to a clean and healthy environment.
- The Land Act 2010 addresses issues of non-discrimination and women's empowerment as married women can now access and control land as a productive resource.
- The Education Act 2010 provides free and compulsory education for all children of school going age. It further makes it a punishable offence for a parent/guardian to withhold a child from attending school. The Act also prohibits inhuman and degrading treatment, including corporal punishment on children.
- The Penal Code which was enacted in 2010 regulates all assaults cases inclusive of domestic violence. This law does not however provide comprehensive protection for violence that occurs within the domestic sphere as it provides protection from the general perspective.

- Anti-Trafficking in Persons Act 2011 prohibits and punishes all forms of trafficking and requires adoption of protection measures for victims of trafficking. The Act provides for establishment of care centres throughout the country. It protects victims of trafficking from prosecution for unlawful acts committed as a direct result of being trafficked; provides foreign victims with permanent residency as a legal alternative to their removal; and encourages victims to assist in the investigation of offenders.
- The Administration of the Judiciary Act 2011 provides for the independence of the Judiciary.

VI. The framework of ratification, domestication of human rights instruments and peer review mechanisms

A. Status of Ratification and Domestication

100. In Lesotho, international human rights instruments and norms are not self executing, and not directly applicable in the legal jurisdiction of the country. They have to be domesticated into national laws or administrative regulations in order to be enforced with the exception of International Labour Organisation agreements. Once again limited capacity has been the sole cause of delays in domesticating some of the conventions. However, The Commonwealth Bangalore Principles of 1989, and the Harare Declaration of 1990 both provide for the incorporation and interpretation of human rights norms.

B. Regional and International Human Rights Conventions and Domestication

101. Lesotho has ratified all major international and regional human rights treaties, which include:

- International Covenant on Civil and Political Rights (ICCPR) ratified in 1992
- International Covenant on Economic, Social and Cultural Rights (ICESCR) ratified in 1992
- Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) ratified in 1995 with reservation to Art. 2
- Convention on the Elimination of All Forms of Racial Discrimination (ICERD) Ratified in 1971
- Convention on the Rights of the Child (CRC) ratified in 1992
- International Convention on the Protection of the Rights of all Migrant Workers and Members of Their Families ratified in 2006
- Convention on the Rights of Persons with Disabilities (CRPD) acceded to in 2008
- Convention Against Torture and other Cruel, Inhumane or Degrading Treatment or Punishment (CAT) ratified in 2001
- Convention on Enforced Disappearances of Persons ratified in 2013
- ILO Convention on Eradication of Child Labour ratified in 2001
- ILO Convention 111 Concerning Discrimination in Employment and Occupation ratified in 2000

- African Charter on Human and People's Rights Ratified in 1992
- African Charter on the Rights and Welfare of the Child ratified in 1999 and
- Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa ratified in 2004

102. Lesotho has reported on the following Conventions: ICCPR in 1999, ICERD in 2000, CRC in 2001, CEDAW in 2010 and the African Charter on the Rights and Welfare of the Child in 2015. Due to limited capacity it has been lagging behind in reporting on other Conventions. There are presently draft reports on ICESCR, CAT and the African Charter on Human and People's Rights, the periodic reports on CRC, ICCPR and ICERD.

C. International Humanitarian Law Conventions

103. In its declaration of succession of 20 May, 1958 the United Kingdom signed and ratified the four Geneva Conventions on international humanitarian law as part of international humanitarian standards that are binding on Lesotho. The four Geneva Conventions that are binding on Lesotho are: Convention relative to the Treatment of Prisoners of War of 12 August, 1949, Convention for the Amelioration of the Condition of the Wounded, Sick and Shipwrecked Members of the Armed Forces at Sea; Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, and Convention relative to the Protection of Civilian Persons in Time of War.

104. Lesotho became bound by these conventions retroactively as from 4 October1966, being the date on which Lesotho became independent. Lesotho also acceded to the Additional Protocols to the four Geneva Conventions in 1977. These are on the protection of historical, cultural and artistic monuments, including national symbols during situations of internal armed conflict and external armed conflict. Geneva Convention (I) for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field 1949, Geneva Convention (II) for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea 1949, Geneva Convention (III) relative to the Treatment of Prisoners of War 1949, Geneva Convention (IV) relative to the Protection of Civilian Persons in Time of War, Geneva 1949 ,Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I) 1977, Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II) 1977, Ottawa Convention on the Prohibition of the Use, of Stock-piling, Production and Transfer of Anti-Personnel Mines and On Their Destruction 1987. The Geneva Conventions have all been incorporated in the mandate of the Red Cross Society Act of 1967.

105. At the national level, an ad hoc national committee for humanitarian law was set up in March 2001. It comprises representatives from different Ministries such as Foreign Affairs, Defence, Law, Constitutional Affairs and Human Rights, Home Affairs, Health, Education, the Police Service and Justice, and the Lesotho Red Cross Society. This committee has played a pivotal role in advising the government on matters relating to the ratification or accession to humanitarian conventions; establishing education and training programmes; preparing studies on international humanitarian law; identifying and preparing measures for the implementation of international humanitarian law including the monitoring of the implementation of international humanitarian law.

D. International Labour Organization Conventions

106. Lesotho is a member of the International Labour Organisation (ILO) and a State Party to most International Labour instruments on the minimum standards on labour relations and the protection of the rights of workers. Lesotho has ratified almost all of the most pertinent ILO instruments such as the Minimum Age (Industry) of 1919, Right of Association (Agriculture) Convention of 1921, Weekly Rest (Industry) Convention 1921, Equality of Treatment (Accident Compensation) Convention 1925, Minimum Wage - Fixing Machinery Convention of 1928, Forced Labour Convention 1930, Contracts of Employment (Indigenous Workers) 1939, Penal Sanctions (Indigenous Workers) Convention 1939, Labour Inspection Convention 1947, Freedom of Association and the Protection of the Rights to Organise Convention 1948, Rights to Organise and Collective Bargaining Convention 1949, Equal Remuneration Convention of 1957, Discrimination (Employment and Occupation Convention 1958, Workers Representatives Convention of 1971, Minimum Age Convention of 1973, Tripartite Consultation (International Labour Standards) Convention of 1976, Labour Administration Convention of 1978, Occupational Safety and Health Convention of 1981,Termination of Employment Convention of 1988, Worst Forms of Child Labour Convention of 1999[1]. Lesotho is also a party to various international standards pertaining to Occupational Health and Safety, including the Occupational Safety and Health Convention No. 155 of 1981, and the Safety and Health in Construction Convention No. 167 of 1988.

E. Mechanisms on the preparation of State Party Reports

107. An Inter-Sectoral Committee on Human Rights was established by the Human Rights Unit to oversee this process but could not be sustained as members trained for human rights treaty reporting left for various reasons at different times. Since 2008, Lesotho has been using an ad-hoc method of reporting, that is, the drafting committees, under human rights, humanitarian law and ILO conventions, would be created purely for the purpose of compiling and completing a specific report and disbanded upon delivery of the report with no mandate to follow-up on the report either to treaty monitoring bodies or on the implementation of the recommendations from such bodies.

F. Peer Review Mechanisms

108. Lesotho has participated in the peer review mechanisms, namely, the African Peer Review Mechanism (APRM) and the Universal Periodic Review Mechanism.

1. African Peer Review Mechanism (APRM)

109. Lesotho acceded to the African Review Mechanism (APRM) on 4 July 2004 in demonstrating unwavering commitment to pursue democratic governance. The review process started with a national consultative workshop that was held in Maseru in 2005. A Ministerial Sub-Committee was set up and a country African Peer Review Focal Point established. A broad-based and all-inclusive APRM National Governing Council was set up to manage the APRM process in the country.

[1] Status of Ratification of ILO conventions has been sourced from APRM Report

2. Universal Periodic Review

110. Lesotho was first reviewed under this mechanism in May 2010. The mechanism involves a periodic review of human rights record in the country with the aim to improve the human rights situation and address human rights violations wherever they occur. A second cycle follow up review under this mechanism took place in January 2015 where the country was reporting on the implementation of the recommendations that ensued in the first cycle.

VII. Information and publicity

A. Government efforts on promotion and dissemination of human rights

111. The Government, through the Human Rights Unit, which has a three pronged mandate of promotion, protection and reporting on human rights, disseminates information on human rights throughout the country.

112. During 2008-2013, the Unit was able to carry out these awareness raising campaigns and educational trainings on human rights with the support of UNDP and Irish Aid under the consolidation of Democracy and Good Governance Programme. These were held in collaboration with the civil society organizations such as Lesotho Council of Non-Governmental Organisations, Transformation Resource Centre and Women In Law In Southern Africa.

B. Reporting under various human rights bodies

113. The Human Rights Unit has had a staff complement of three full time human rights officers since 1995 to date. Since the Unit is responsible for the promotion, protection and reporting functions, the staff of three officers is limited for the effective discharge of the mandate of the Unit. Reporting requires thorough training of those charged with the reporting function, in at least the major and the most pertinent human rights instruments.

114. Despite the fact that the Ministry has tried to get the relevant exposure through training, it is difficult for the Unit to be up to date with the reporting obligations because the Unit is generic and not specialised. A specialist Unit is necessary if Lesotho is to avoid a huge backlog of her reporting obligations to UN treaty bodies and regional bodies. The speedy establishment of the Human Rights Commission will assist in this regard because the functions of promotion and protection will be with the ambit of the Commission.

115. There is a need also to have a central data information centre in addition to the Bureau of Statistics, where all the necessary legislative, judicial, administrative, policy and operational information can be found during the compilation of the state party reports.